

EXHIBIT E

1 letter?

2 MR TOMLINSON: My Lord, we'll certainly do it before the
3 short adjournment.

4 JUDGE LENON: In that case there shouldn't be a problem.
5 We'll have our short break now.

6 (11.47 am)

7 (A short break)

8 (11.55 am)

9 MR TOMLINSON: My Lord, I'll call Mr del Rosso.

10 MR NICHOLAS PAUL DEL ROSSO (affirmed)

11 Examination-in-chief by MR TOMLINSON

12 MR TOMLINSON: Could you give the court your full name and
13 professional address, please?

14 A. Yes, sir. Nicholas Paul del Rosso, 1340 Environ Way,
15 Chapel Hill, North Carolina, USA.

16 Q. Could you take out the file that's in front of you and
17 turn to tab 5, please, {D/5/1}?

18 You should have there a document that begins,
19 "Witness statement of Nicholas del Rosso".

20 A. Yes, sir.

21 Q. If you turn to page {D/5/6}, is that your signature?

22 A. It is, yes.

23 Q. And is there anything in that statement, Mr del Rosso,
24 that you'd like to correct or clarify?

25 A. Yes, there are two matters, my Lord, that I'd like to

1 change. One is the date when I first received the call
2 from Mr Gerrard, and that is on -- I'd like to change
3 that to Monday, 8 August.

4 JUDGE LENON: So which paragraph is that? Paragraph 5, is
5 it?

6 A. Paragraph 5, yes, {D/5/2}. And then it goes on --

7 MR TOMLINSON: Are we talking about the date in paragraph 7?

8 A. Paragraph 5 through 7, yes, that was 8 August.

9 Q. And you wanted to change that from what to what,
10 Mr del Rosso?

11 A. It appears to read as though it's the 9th that
12 I received the call. It was in fact the 8th, my Lord.

13 Q. Was there something else?

14 A. Yes, I'm just searching for the paragraph.

15 It was the date -- and I can't see it in here -- the
16 date that I first delivered a secure drive. Oh, yes, in
17 paragraph 14, {D/5/4}.

18 "I was flying to London that day ..."

19 It should read "I was flying to New York".

20 Q. And with those exceptions, Mr del Rosso, are the
21 contents of that witness statement true?

22 A. Yes, my Lord.

23 Q. And that's your evidence in this --

24 A. It is, sir, yes.

25 MR TOMLINSON: If you could wait there, there will be some

1 questions.

2 Cross-examination by MR LORD

3 MR LORD: Mr del Rosso, please could you go to paragraph 4
4 of your witness statement at {D/5/2}, where you say:

5 "In August 2014, VMS was engaged by Dechert LLP to
6 investigate assets potentially stolen from the
7 Government of Ras Al Khaimah ..."

8 Can you see that?

9 A. I do, sir, yes.

10 Q. And then two lines on you say:

11 "I took my instructions from Dechert LLP and had
12 limited direct contact with Jamie Buchanan and other
13 representatives of the RAK Government. I had worked
14 previously with other lawyers then at Dechert LLP on
15 unrelated matters involving suspected fraud."

16 Can you see that?

17 A. I do, yes.

18 Q. So how far back did your relationship with Dechert LLP
19 go, Mr del Rosso?

20 A. To the best of my recollection, it was around
21 August 2014.

22 Q. But you'd worked for Dechert, hadn't you, on -- sorry,
23 maybe I --

24 A. No, you -- then at Dechert. I had previously worked
25 with other lawyers, then at Dechert, so they had been

1 elsewhere prior to that.

2 Q. I see. Who would those lawyers be?

3 A. Oh, Mr Abousleiman --

4 Q. Sorry, I can't hear.

5 A. Abousleiman and some of his partners or junior partners.

6 I truly don't remember right now.

7 Q. And when did you first start working for Dechert or

8 taking instructions from Dechert?

9 A. August 2014.

10 Q. But when did you first work for the gentleman you've

11 just referred to, Mr Abousleiman?

12 A. Mr Abousleiman, again I don't recall. I haven't gone

13 back in the files to look at that particular matter.

14 Q. Roughly -- roughly when?

15 A. No, that's just speculation, sir. I can't guess.

16 Q. You must have some idea whether it was a year before or

17 20 years before?

18 A. I don't, so no. My Lord, I don't recall exactly when.

19 Q. I wasn't asking you exactly when, Mr del Rosso. I was

20 asking when you first started taking instructions from

21 Mr Abousleiman. I'm not asking about what they were,

22 just when it was.

23 A. I can't answer that, my Lord, because I just don't know.

24 JUDGE LENON: You must have some idea. Was it a year, was

25 it ten years or ...?

1 A. Somewhere between a year and four years maybe. I just
2 can't pinpoint it.

3 MR LORD: And what Mr Gerrard? Had you taken instructions
4 from Mr Gerrard before August 2014?

5 A. I had not, my Lord, no.

6 Q. And who did you deal with in relation to this particular
7 instruction that you describe in paragraph 4 from
8 Dechert? Was it Mr Gerrard you dealt with?

9 A. Principally, but there were other lawyers involved in
10 that matter.

11 Q. And who were the other lawyers involved?

12 A. Mr Hughes.

13 Q. Anybody else?

14 A. Those that I can recall -- and there were many -- were
15 Mr Fotherby, William Fotherby --

16 Q. Yes.

17 A. -- Matt, Matt Banham.

18 Q. And roughly how often would you liaise with Dechert
19 during the course of this engagement of you by them over
20 time?

21 A. What do you mean by "liaise"?

22 Q. Well, speak to them on the telephone, give them an
23 update -- roughly. I mean how --

24 A. On a regular basis. I'm not going to speculate again on
25 how many times that was a week or a month, but it was on

1 a very regular basis.

2 Q. Right. In paragraph 5 {D/5/2} you refer to Stuart Page.

3 Can you see that?

4 A. I do, yes.

5 Q. You say in that paragraph -- this is the call you've now
6 said was 8 August 2016 with Mr Gerrard. You said:

7 "During that call, Neil told me that Stuart Page had
8 identified two links on the internet ..."

9 Can you see that?

10 A. I do, yes, sir.

11 Q. And the last sentence reads:

12 "I do not know Stuart Page but I had heard of him
13 because he works in a similar industry to me."

14 What is VMS' line of work, Mr del Rosso?

15 A. I provide fraud consulting work, my Lord.

16 Q. And what does that involve in practice?

17 A. Looking at documents generally to identify fraud.

18 Q. Does it involve trying to track down assets or trace
19 them?

20 A. That isn't generally where I would specialise, my Lord,
21 no.

22 Q. And does it involve any sort of surveillance?

23 A. It doesn't, my Lord, no.

24 Q. And does it involve any kind of investigative work?

25 A. I manage some investigations, sir, yes.

1 Q. And what sort of investigative work do you manage?

2 A. Fraud investigations, sir.

3 Q. And what does that include, Mr -- you know what I'm

4 asking you, Mr del Rosso. I'm asking you to tell

5 his Lordship in practical terms not what the label is;

6 what does that mean. You're investigating a fraud.

7 What sort of investigations do you do?

8 A. Well, I read through documents and identify fraud, and

9 then whoever is instructing me, I would let them know

10 that I've identified something that I consider to be

11 fraudulent --

12 Q. So you're a sort of document --

13 A. -- or not as the case may be.

14 Q. So simply document review; is that right?

15 A. Well, analysis I would say probably more -- is a more

16 accurate description, yes.

17 Q. And how do you analyse? What sort of tools do you use

18 for that analysis?

19 A. Well, I use my knowledge. That's it, sir.

20 Q. So somebody gives you a pile of documents and you just

21 sift through them to see if you can find some fraud; is

22 that your evidence, Mr del Rosso?

23 A. I think in a nutshell, yes, sir. There are many

24 different types of cases, yes, but essentially it is

25 research and analysis and identifying patterns and

1 looking for elements of fraud if they exist.

2 Q. You're president and owner of Vital Management Services,
3 aren't you?

4 A. Yes, my Lord, yes.

5 Q. What's your relevant background? What's your
6 professional background, Mr del Rosso?

7 A. I've been involved in this type of work for 30 years,
8 sir. Previously I was a police officer in the
9 Met Police.

10 Q. When were you in the Metropolitan Police, Mr del Rosso?

11 A. 1978/1979 to 1989.

12 Q. And did you come across Mr Gerrard at that time?

13 A. I didn't, sir, no. I'd never met him before August 2014
14 or that period, yes.

15 Q. And what rank did you attain when you were in the
16 police force?

17 A. Well, I rose through the ranks, sir, to detective
18 constable.

19 Q. And how old were you when you left the police force?

20 A. I would have been 33 years old.

21 Q. And have you done fraud investigative work for that
22 entire period since you left the police force or have
23 you done something else as well?

24 A. Almost entirely, sir, yes.

25 Q. So what else have you done?

1 A. I've done property development and some other matters
2 such as that, yes. That is what -- property
3 development.
4 Q. And at what point did you move to the USA?
5 A. 1995 or 1996.
6 Q. Was that a professional reason that you moved to the
7 USA?
8 A. My Lord, I acquired a company in the US, yes.
9 Q. What company did you enquire [sic]?
10 A. "Acquire".
11 Q. "Acquire", yes.
12 A. It was an investigative company that specialised in
13 intellectual property investigations.
14 Q. And when did you set up Vital Management Services?
15 A. I think it was around 2000, sir.
16 Q. And you are the owner of that business?
17 A. I am, yes, sir.
18 Q. Does it employ anybody else?
19 A. Not now, no. My wife is a shareholder. Other than
20 that, it's just me.
21 Q. And do you use any agents or sub-agents or consultants?
22 A. I do, yes, my Lord.
23 Q. Give his Lordship an example of the sorts of agents or
24 sub-agents or consultants that you use or would use on
25 a case like this.

1 A. Well, in this particular matter I used Chris Swecker,
2 who is a lawyer and represents Vital Management
3 Services, and an analytical firm called NTi,
4 Northern Technologies.

5 Q. And what other agents or sub-agents or consultants has
6 your firm, VMS, used?

7 A. In relation to this matter?

8 Q. Well, in terms of fraud investigation. What sort --
9 what --

10 A. Well, there are other investigators, sir. Generally
11 or -- on occasions I've been asked to provide, for some
12 of the principals in this case, some security. I don't
13 do that myself and I subcontract that out.

14 Q. And do you instruct investigators to gather up
15 information for you as part of your fraud enquiries?

16 A. That can form part of that, sir, yes. It can form part
17 of their instruction, yes.

18 Q. And what investigators have you used, let's say, in the
19 last six -- let's say the last six years -- let's say --
20 seven years?

21 A. Is that relevant to this? I've just told you the people
22 I used on this particular matter, so that's
23 Chris Swecker --

24 Q. You have given an answer that all you do is review
25 documents and I'm asking you to identify other agents to

1 see whether, in fact, you do rather more than just
2 review documents, Mr del Rosso.

3 A. In relation to this matter, my Lord, I have only used
4 Chris Swecker and Northern Technologies.

5 Q. And what other analysis did you perform in this case
6 since 2014? What did you do?

7 A. Well, 2014 was when I was engaged by Dechert on matters
8 unrelated to Mr Azima.

9 Q. And what were you -- I don't want to know about the
10 matters in detail, but what were you engaged in relation
11 to?

12 A. I was engaged in relation to fraud and the proceeds of
13 fraud and trying to identify where some of those
14 proceeds may have been.

15 Q. And who was the alleged fraudster or fraudsters?

16 A. Well certainly Massaad was one of them. There are some
17 other names in there, including some Indians, and
18 I believe two or three Georgian participants, yes.

19 Q. And did you instruct any investigative or enquiry agents
20 in relation to this engagement -- anybody to find
21 information on your behalf?

22 A. I'm sure that I did, sir, but this is unrelated to
23 Mr Azima. These are matters that are unrelated to
24 Mr Azima.

25 Q. Who were they?

- 1 A. These are matters that are unrelated to Mr Azima, sir.
- 2 Q. So you won't answer the question? I'm simply asking who
3 they are.
- 4 A. I am not trying to be obstructive at all, sir, but these
5 aren't necessarily individuals or people who were
6 involved in matters with Mr Azima.
- 7 Q. Without knowing what they were involved in, we can't
8 necessarily take your word that there may not be some
9 relevance to Mr Azima. But you know, Mr del Rosso,
10 don't you, that there are issues as to RAKIA's
11 investigation in this case and the extent to which their
12 investigations concern not just Dr Massaad, they may
13 have extended to Mr Azima. You know that, don't you,
14 Mr del Rosso?
- 15 A. I'm aware of that, sir, but I was not involved in any
16 investigation of Mr Azima.
- 17 Q. So you say, but can you tell his Lordship --
- 18 A. No -- well, that is the truth, my Lord. I wasn't.
- 19 Q. Can you tell his Lordship to help with that
20 assessment -- can you tell his Lordship what other
21 investigators you did use in relation to this
22 engagement?
- 23 A. At the moment, I wouldn't be able to say that. I would
24 have to go and check records because I wasn't asked
25 about this at -- you know, during discovery or

1 disclosure.

2 Q. And what sort of investigative work did these people do
3 for you?

4 A. For the most part they were recovering documents from
5 public institutions, companies, company-related
6 documents. There was a substantial amount of fraud in
7 India, which is where we ended up focusing, and that was
8 principally my role.

9 Q. So they were doing information or --
10 information-gathering for you basically? They were
11 intelligence-gathering for you?

12 A. No, that's not the right word, sir, no. They were
13 providing information on companies, if we identified
14 a company we needed to know who the shareholders were,
15 so that was really the purpose of engaging with others
16 in different jurisdictions.

17 Q. So your work involved more than simply reviewing
18 documents, didn't it, Mr del Rosso?

19 A. Well, I would have reviewed the documents that they
20 brought back to me, yes.

21 Q. But you also were instrumental in procuring information,
22 weren't you, as part of this retainer?

23 A. It's a process that one has to go through to get public
24 record information to understand who owns a company and
25 putting together a picture of the involvement of other

1 people, and that's essentially what we were doing.

2 That's what my role was.

3 Q. And did this information procurement extend to
4 potentially confidential information?

5 A. I wasn't instructed in that, sir, no.

6 Q. Well, you weren't instructed to obtain it, but did this
7 information procurement that you've described just now
8 that you were doing -- did that potentially extend to
9 confidential information?

10 A. Well, explain what you mean by "confidential
11 information".

12 Q. Information that is impressed with a duty of confidence
13 to somebody. Bank information, for example.

14 A. Yes, there may have been some bank information.

15 Q. That would on its face have been confidential?

16 A. Not necessarily -- not if it came from public records,
17 no.

18 Q. But unless you had the consent of the relevant
19 bank-account-holder, there would be an issue potentially
20 as to confidentiality, wouldn't there, Mr del Rosso?

21 A. Well, I don't know the legal technicalities for that,
22 but in certain parts of the world where -- and
23 especially in India, they -- some of our subjects ran
24 for political office and they had to publish all of
25 their bank account information, holdings, assets, such

1 as that.

2 Q. Would you go, please, to paragraph 5 of your
3 witness statement at {D/5/2} where you refer to
4 Mr Stuart Page. Can you see that?

5 A. I do, sir, yes.

6 Q. You say, "... he works in a similar industry to me". So
7 can his Lordship take it -- were you in court when
8 Mr Page gave evidence yesterday?

9 A. I was not, your Lordship, no.

10 Q. Have you read a transcript from yesterday, Mr del Rosso?

11 A. I haven't, sir, no.

12 Q. Mr Page is involved in investigative work. Were you
13 aware of that?

14 A. Yes, I think that's a fair description of what he does.

15 Q. How did you hear of Mr Page?

16 A. I heard of him through this particular investigation or
17 project that we were on. I knew he was working for
18 His Highness on this matter.

19 Q. So when we see in paragraph 5 {D/5/2} the last sentence
20 where you say this, "I do not know Stuart Page but I had
21 heard of him because he works in a similar industry to
22 me", in fact you hadn't heard of Mr Page simply because
23 he works in a similar industry to you. You'd heard of
24 Mr Page because you knew he'd worked for RAK or RAKIA
25 like you had done since August 2014?

1 A. No, I'm not engaged by RAK or RAKIA. I'm engaged by
2 Dechert. Stuart Page does work in a similar industry to
3 me and I had heard that during the course of this
4 matter, so, yes.

5 Q. I think your answer was -- your answer initially was
6 that you'd heard of Mr Page because he was also engaged
7 in relation to this -- to investigations that were being
8 carried out for or on behalf of RAK or RAKIA for the
9 Ruler.

10 A. Yes, he was engaged in a similar sort of work. I don't
11 know what he was doing, but he works in a similar
12 industry in that he is investigating whatever it is that
13 he investigates.

14 Q. And you think that what you do is similar to what
15 Mr Page does, as far as you can tell?

16 A. Well, in a very general term, sir. I don't know what he
17 does so I can't really comment on it. I'm just saying
18 that in a general term we work as investigators.

19 Q. Yes, but you say "he works in a similar industry to me".
20 You see, it's your words, not mine, Mr del Rosso. So
21 for you to say that, you must be in a position to assess
22 first what you do and secondly, by definition, what
23 Mr Page does, mustn't you, Mr del Rosso?

24 A. Well, I know that he works as an investigator. He's
25 also provided security. To me that's a fairly similar

- 1 industry. You're just splitting hairs now, really.
- 2 Q. So his Lordship can take it that you -- as far as you're
3 concerned, you do similar sorts of work to Mr Page?
- 4 A. I don't know what he does, sir. I know that he does
5 investigation, he provides security. I can't answer
6 beyond that. I have never worked with him. I don't
7 know him.
- 8 Q. Had you heard of suggestions that Mr Page on occasion
9 gathered information through agents using illegal
10 methods? Had you ever heard that?
- 11 A. Not until recently, sir, no.
- 12 Q. Had you heard it suggested that confidential emails may
13 have found their way into the press through Mr Page's
14 offices? Had you ever heard that suggestion?
- 15 A. I wasn't aware of that, sir, no.
- 16 Q. During the course of your work from August 2014 -- or
17 when did you first learn of Mr Page's existence
18 after August 2014 or did you know about him
19 before August 2014?
- 20 A. I don't think I knew of him before maybe end of
21 2015/early 2016. I don't think so.
- 22 Q. And how did you come across Mr Page?
- 23 A. I've never met him. I don't know him, my Lord.
- 24 Q. Are you saying you've never actually met Mr Page?
- 25 A. I haven't, no.

1 Q. Have you spoken to Mr Page on the telephone?

2 A. I've had no contact with him at all. Never spoken to
3 him, seen him. If he walked past me today, I couldn't
4 recognise him, my Lord.

5 Q. Mr Buchanan gave evidence -- in the course of your work
6 that you described in your witness statement, did you
7 come across Karv Communications, Mr del Rosso?

8 A. During the course of my work, did I ...? Sorry,
9 I missed the word you said in between.

10 Q. Come across Karv Communications.

11 A. I became aware of them, my Lord, yes.

12 Q. How and when?

13 A. I can't remember when, but I was introduced to
14 Andrew Frank at some point during this process. I don't
15 know when that was exactly now.

16 Q. You were engaged in relation to investigating potential
17 frauds allegedly committed by Dr Massaad and others
18 against the Government of RAK, weren't you,
19 Mr del Rosso?

20 A. Yes, initially it was against Dr Massaad.

21 Q. And then who did it extend to?

22 A. Actually my role changed and I focused on India and
23 frauds in India at sort of January/February of 2015. So
24 I wasn't really engaged with Dr Massaad post that
25 period.

- 1 Q. Mr Page has given evidence that he was also -- he was
2 engaged in investigating wrongdoing by Dr Massaad and
3 the misappropriation of assets; all right?
- 4 A. I don't know what his role was, sir, no.
- 5 Q. He has given evidence that that's what he did.
- 6 A. Well, I can't comment on that. I don't know that --
- 7 Q. You don't know what I'm going to ask you yet.
- 8 A. No, you posed it as a sort of a question or -- if it's
9 just a statement, then we'll leave it there.
- 10 Q. Let's look at {D/3/4} so you can see what Mr Page has
11 said, Mr del Rosso. This is Mr Page's evidence. Can
12 you look at what he says in the top five or six lines in
13 paragraph 12, please?
- 14 A. Okay.
- 15 Q. On the face of it, it looks as if there was some -- at
16 least some overlap between what Mr Page was allegedly
17 investigating in reference to Dr Massaad and what you
18 were investigating, at least to the extent of looking
19 into the alleged misappropriation of assets. Do you
20 agree?
- 21 A. When was this? What date does this refer to?
- 22 Q. This is from the beginning of 2015.
- 23 A. In that case there was no overlap, no. I had stopped
24 investigating or being involved in Massaad's activities.
- 25 Q. By when?

1 A. As I said, sort of January/February time of 2015.

2 I was -- I had been moved on to working on other
3 matters.

4 Q. What, unconnected to Dr Massaad?

5 A. Unconnected to Dr Massaad personally, but certainly
6 connected to some of his activities that had taken place
7 in India, some of them.

8 Q. So you were still working on investigating frauds
9 allegedly involving in some way Dr Massaad, weren't you?

10 A. In a very broad sense, sir. I was actually
11 investigating other individuals in India and their
12 involvement in certain transactions that had taken place
13 over there.

14 Q. But also because there was also potentially the
15 involvement of Dr Massaad in those matters, wasn't
16 there?

17 A. I think pretty much all of this has some touch of
18 Dr Massaad about it somewhere, sir.

19 Q. Yes, so, Mr del Rosso, there was a -- RAK or RAKIA were
20 investigating what they thought was some sort of major
21 fraud or frauds by Dr Massaad, weren't they?

22 A. And others, yes.

23 Q. Yes, and there was effectively -- Mr Buchanan gave
24 evidence of a global investigation, Mr del Rosso. I'm
25 sure you were aware of that, weren't you?

1 A. I'm aware there was a very substantial investigation and
2 I am aware of my role in that, yes.

3 Q. And it stretched across several countries across the
4 globe, didn't it?

5 A. Mine or the RAKIA --

6 Q. The RAKIA investigation.

7 A. Yes, I understand that to be the case, my Lord. There
8 was a --

9 Q. I understand your evidence, that you were looking at
10 particular aspects of that fraud --

11 A. Right.

12 Q. -- but it was part -- it was still part -- what you were
13 doing was part of the overall RAK or RAKIA
14 investigation, wasn't it, Mr del Rosso?

15 A. It was a part of whatever Dechert were being tasked to
16 do and I was doing a part of that, yes -- involved in
17 a part of that, rather than saying "doing it". I was
18 involved in a part of that.

19 Q. And therefore it's not right for you to say that from
20 early 2015 your investigative work as it might have
21 concerned Massaad matters had finished. That wasn't
22 right, was it? That was untrue?

23 A. Yes, I was no longer investigating anything to do with
24 his personal finances or anything else like that, sir,
25 yes.

1 Q. But you were investigating frauds allegedly committed in
2 India and other places in which Dr Massaad may have
3 played a part, weren't you?

4 A. He had played a part. I was investigating other
5 individuals connected to those frauds.

6 Q. Because I suggest to you, Mr del Rosso, that there was
7 at least some overlap between what you were
8 investigating and what Mr Page was apparently
9 investigating in 2015.

10 A. I don't know what Mr Page was investigating or when.
11 I didn't know then.

12 Q. And it seems a bit puzzling that you seem to have had no
13 contact at all with Mr Page, notwithstanding what I'm
14 putting to you, that there looks on the face of it to be
15 at least some potential overlap between the
16 investigative work that you're each doing. And
17 can I explain what I mean by that? If Mr Page comes
18 across something juicy in what he's investigating by way
19 of Massaad wrongdoing and you're trying to investigate
20 stuff that's frauds that Massaad may have played a part
21 in, because money can flow around the world now quite
22 easily, it's likely, isn't it, Mr del Rosso, that you'd
23 be interested in possibly information from Page and
24 vice versa? There would be a sort of pooling, wouldn't
25 there, of that information or was it all kept very

1 separate?

2 A. Well, I reported to the law firm Dechert, and if they
3 had information that came from some other source that
4 they wished to share with me, they would do so.

5 Q. And your evidence is that you didn't speak to Mr Page at
6 all during 2015; is that right?

7 A. I've never spoken to him, sir. That was my evidence.

8 Q. Never in your life?

9 A. Never, no.

10 Q. And you have no idea of what work he performed therefore
11 at all?

12 A. Frankly, none of my business. It's his.

13 Q. So is the answer that you have no idea on oath -- you
14 have no idea sitting there on oath -- what Mr Page
15 performed in 2015 in relation to the Ruler or RAK or
16 RAKIA?

17 A. My Lord, I realise I'm on oath. I did not know what
18 Mr Page was doing in 2015, no.

19 Q. At that time?

20 A. At that time, yes.

21 Q. And do you now know what he was doing?

22 A. Not really, sir. I haven't read his statement. It
23 wasn't made available to me. I haven't read it.

24 Q. So if we go to {H7/299}, you can see that there's
25 something called a "RAK Project Update". Do you see

1 that?

2 A. I do, yes.

3 Q. Have you seen this document before, Mr del Rosso?

4 A. I have not, sir, no.

5 Q. Never in your life?

6 A. I haven't, sir, no.

7 Q. Not even preparing to give evidence today?

8 A. It doesn't look as though it's anything to do --

9 I didn't produce this document, sir, no.

10 Q. No. There's been evidence that this is a project update

11 which Mr Page or his firm produced as part of his work;

12 all right? Do you see that? If you go to {H7/299/2},

13 can you see it starts, "In the US ..."?

14 A. Right.

15 Q. "In the US, KM's hired a team of advisers managed by

16 Farhad Azima ... in order to spread allegations against

17 our client."

18 Can you see that?

19 A. I can, sir, yes.

20 Q. And you were based in 2015 in the US, weren't you,

21 Mr del Rosso?

22 A. I was, sir, yes.

23 Q. Are you aware of any other investigators retained by or

24 on behalf of RAK, RAKIA or the Ruler in 2015, whether

25 through Dechert or any other agent or whether retained

1 directly, who operated in the US apart from your firm,
2 Mr del Rosso?

3 A. I wouldn't know, sir, no.

4 Q. Are you aware of any others apart from your firm,
5 Mr del Rosso?

6 A. I'm not aware. I wouldn't know if they had or hadn't,
7 sir.

8 Q. So you are not aware of any other investigative firms in
9 the US working for the Ruler, RAK or RAKIA in 2015 apart
10 from you?

11 A. I think I've made it quite plain, sir. I wasn't aware
12 of anyone else and I wouldn't know. They wouldn't share
13 that with me if they had.

14 Q. Is that the same in 2016 as well?

15 A. 2016 ... Yes, I didn't know -- I don't think I knew
16 anyone else who was working, no.

17 Q. And did you have any cause to have any dealing with
18 Karv Communications in 2015? Did you deal with them?

19 A. With Karv Communications? Not on a professional basis.
20 I might have had -- met with Mr Frank on -- but
21 I haven't -- I don't know -- I mean, I don't think
22 I did, but ...

23 Q. Why would you meet Mr Frank socially or personally,
24 rather than professionally? Is he a friend of yours?

25 A. He's not a friend -- well, he's become a friend,

1 actually, over the course of this thing, this process,
2 but I don't recall having met with him.

3 Q. Where does Mr Frank live? Where is he based?

4 A. I think he's in New York.

5 Q. You say that "over the course of this thing" he had
6 become a friend. What's the "thing"?

7 A. Well, since 2014, August 2014, I've been involved
8 somewhere in this massive investigation. My role was
9 directed by Dechert and, during the course of that,
10 I know that I've met Mr Frank. I couldn't tell you the
11 dates.

12 Q. And is there anybody else -- any other agents or
13 entities that you've come across in relation to this
14 retainer of yours other than Dechert and Mr Frank, let's
15 say, in 2015 or 2016, anybody else?

16 A. I'm pretty sure I would have met Mr Handjani at some
17 point as well.

18 Q. When was that, do you think?

19 A. I don't know. I really don't know, sir. I couldn't
20 even hazard a guess at that.

21 Q. And where do you think you met Mr Handjani? Which
22 country did you meet him in?

23 A. I'm going to have to say it was probably in New York
24 because I don't think I met him elsewhere other than the
25 fact that he's in court.

1 Q. And why did you have cause, do you think, to meet with
2 Mr Handjani?

3 A. He was involved in this matter somehow. I'm not
4 entirely sure of his role, but he's an adviser to
5 His Highness and so I would have met with him. That's
6 part of what I consider client development of business.

7 Q. Did you ever meet the Ruler?

8 A. I have met the Ruler, yes, sir.

9 Q. When?

10 A. Again dates ... probably not until 2017/2018.

11 Q. So not in 2015?

12 A. I don't believe so, no, sir.

13 Q. Are you sure about that?

14 A. I'm not sure of it, but I am fairly comfortable in
15 saying that I didn't -- wouldn't have been introduced to
16 him. I wasn't really that much of a role-player in this
17 at all.

18 Q. And what prompted your meeting with the Ruler when that
19 first happened? What caused that to take place?

20 A. I believe he had asked through Mr Buchanan or someone to
21 provide security to his daughters or some of his
22 children when they were travelling and I arranged that.

23 Q. So you provided security for the Ruler's family?

24 A. Yes.

25 Q. And do you still do that?

1 A. I do not, sir, no. It was a one-off situation.

2 Q. And where did you meet the Ruler? In the Palace?

3 A. In his palace, yes.

4 Q. And have you met him on any other occasion?

5 A. It's possible, sir. I've been to the Palace and it may

6 well have been that I've met him more than that one

7 time, but no more than one other time.

8 Q. And why did you meet him on the other occasion?

9 A. I really don't recall now, sir.

10 Q. And his Lordship can take it that you have no knowledge,

11 do you, of the matters we see in this project update

12 report that I took you to at {H7/299}? Can you just

13 flick through that report and see whether any of that

14 rings a bell, whether you remember any of these matters?

15 (Pause)

16 Have you read that, Mr -- or skimmed through it

17 anyway, Mr --

18 A. Well, there's not very much in there. It's mostly

19 redacted.

20 Q. But you can see the stuff that's not redacted?

21 A. Right.

22 Q. You've read that?

23 A. Yes, that hasn't originated from me, sir, no.

24 Q. And were you aware of this concern about an alleged plan

25 to smear the Ruler? Were you aware about that back in

1 2015, for example?

2 A. I became aware of it, but I'm not sure when. I couldn't
3 tell you today what date that was.

4 Q. And how did you become aware of it?

5 A. I'm sure I've heard of it.

6 Q. From whom?

7 A. I don't remember, my Lord.

8 Q. I'm going to ask you, please, about the role you played
9 in the discovery. Can I ask you, please, to go back to
10 your witness statement, starting I think in paragraph 5,
11 please, Mr del Rosso, at {D/5/2}. You see:

12 "In early August 2016, I received a telephone call
13 from Neil Gerrard of Dechert."

14 You think that's now 8 August, do you?

15 A. It was, sir, yes.

16 Q. How do you know it's 8 August? You seem quite sure
17 about that. What's the basis for that sureness?

18 A. I was reviewing my statement before coming to court some
19 time before Christmas, just before Christmas when I had
20 some downtime. I realised that it seems a little open
21 and I -- what I should have done before I made the
22 statement, I did then, and that was call my lawyer,
23 Chris Swecker, and I asked him when I had called him and
24 when he had referred NTi to me, and he told me it was on
25 8 August.

1 Q. So that was when -- sorry -- it's when you think you
2 called Chris Swecker, he referred NTi to you?

3 A. Yes, and Neil Gerrard called me, and I called
4 Chris Swecker, who subsequently referred NTi to me.

5 Q. And how long after Mr Gerrard's call did you call
6 Mr Swecker?

7 A. I just don't know. It was the same day.

8 Q. And Mr Swecker has a note of that, does he?

9 A. Mr Swecker has a note of that, yes, sir.

10 Q. Can you be shown {H10/251} please? Sorry, can we go to
11 {H10/246}. It's my fault. Sorry, Mr del Rosso.
12 {H10/246}.

13 Can you see there are some emails there on 9 August
14 2016 --

15 A. There are, yes.

16 Q. -- involving you and copying Mr Swecker and NTi. Can
17 you see that?

18 A. Yes, sir.

19 Q. If you go to {H10/248} -- I'm not quite sure what that
20 is -- "Email from Swecker dated 08 ..." -- that's
21 12 August 2016. Can you see that? I think it's an
22 extract from an email. Sorry, Mr del Rosso, if you go
23 back to {H10/246} -- it's my fault. I got the date and
24 the month the wrong way round -- the first documents
25 that advert to this finding of material on the internet

1 concerning Mr Azima seem to be on 9 August 2016.

2 A. Yes, that's correct, sir, yes.

3 Q. And you think you spoke to Mr Gerrard on the 8th, do

4 you?

5 A. Yes, sir.

6 Q. And you waited until the following day before you got in

7 touch with Mr Swecker; is that right?

8 A. No, sir. I got in touch with Mr Swecker on the 8th and

9 he set up a call for me with NTi on the 9th.

10 Q. Then can we go, please, to H10 -- you see what's on

11 {H10/246}. There are some exchanges about -- or contact

12 information between you and NTi. Can you see that?

13 A. Yes, sir.

14 Q. Then {H10/251} -- you need to start looking at it at

15 {H10/251/2} -- can you see that you sent an email on

16 9 August 2016?

17 A. Yes, sir.

18 Q. You sent an email to Mr Swecker. Can you see that?

19 I think that's right, isn't it?

20 A. It is, yes.

21 Q. Have you seen this email before, Mr del Rosso?

22 A. Yes, I think we produced that to the client, yes.

23 Q. If you keep that open, if you don't mind, and if you

24 please go to paragraph 9 of your statement, please, at

25 {D/5/3} -- have them open at the same time -- can you

1 see what you say in paragraphs 9 and 10?

2 A. (Pause) Yes, sir.

3 Q. Can his Lordship take it that the first time you spoke
4 to Mr Gerrard in relation to these matters was 8 August
5 2016?

6 A. Yes, sir.

7 Q. And you see what you've said in paragraph 10 of your
8 witness statement. You've referred to the email that
9 I'm showing you at {H10/251/2}, haven't you,
10 Mr del Rosso?

11 A. Yes.

12 Q. That's the email you're referring to in paragraphs 9
13 and 10, isn't it?

14 A. Yes, sir.

15 Q. And in paragraph 10 you say this, the last sentence
16 of 10 {D/5/3}:

17 "I recall that these statements were reports of
18 information that Neil had told me during our call."

19 Can you see that?

20 A. I do.

21 Q. So his Lordship can take it, can he, Mr del Rosso, that
22 what you have included in the email of 9 August 2016 at
23 11.47 am represents a contemporaneous account by you of
24 what Mr Gerrard told you in a call on 8 August 2016?

25 A. Well, contemporaneous, no, but it was a record of my

1 recollection of the conversation from the previous day,
2 yes.

3 Q. Yes, and you're satisfied with the accuracy of your
4 email account there, aren't you, Mr del Rosso?

5 A. I can't recall the specific content of the
6 conversation --

7 Q. No?

8 A. -- but that is certainly my email.

9 Q. Yes. Well, if we look at the email, you said this:

10 "Chris

11 "I've spoken to Rich Garcia and agreed that you will
12 instruct his company on this matter.

13 "I've told him that as recently as last week -- we
14 were advised by researchers that a deep web search ..."

15 And so it runs on. Do you see that?

16 A. I do, sir, yes.

17 Q. In the main paragraph you say at the end:

18 " ... there may be further sites with more
19 information."

20 What were you talking about there, as best you can
21 tell, Mr del Rosso?

22 A. I couldn't remember that now, sir, no.

23 Q. Can we then just walk through, please, Mr del Rosso --
24 also, do you know why you'd been involved by Mr Gerrard
25 in this respect? Do you know why you, in the US,

1 investigating Indian matters and other things -- why
2 he'd asked you to get involved with this?

3 A. I don't, sir, no. That's a question for him.

4 Q. But you can't identify any reason for your being
5 involved?

6 A. Not on the face of it, sir, no.

7 Q. Thank you, Mr del Rosso. I want to go through,
8 please -- I want to go through, if I may, the
9 intervening work that was carried out.

10 You can see this is 9 August and you're speaking to
11 Mr Swecker. Then if you would be kind enough, please,
12 to go to {H10/251/1}, you can see the further emails.
13 Can you see the further emails there?

14 A. Yes.

15 Q. You can see the exchanges.

16 A. Mm-hmm.

17 Q. Following on from your email to Mr Swecker, Mr Swecker
18 I think sent an email to you for you to review that he
19 drafted by way of a proposed engagement letter of NTi.
20 Can you see that?

21 A. I can.

22 Q. That seems to have been on 11 August, which was
23 a Thursday. Then you, I think, chased Mr Swecker on
24 12 August to say:

25 "Chris -- did this go out -- it's time critical.

1 Thanks."

2 And he said:

3 "Just sent it Nick. I will call Rich and ask him to
4 expedite. Chris."

5 Again on 12 August. Can you see that?

6 A. I can, yes.

7 Q. So can his Lordship take it that Mr Gerrard had led you
8 to understand that this was an urgent task?

9 A. I can't -- I don't recall the conversation. My take on
10 this was that this was a potential business opportunity
11 and I didn't want Chris sitting on it too much longer
12 and I chased him.

13 Q. You were here, weren't you, doing work for -- at the
14 instruction of Mr Gerrard?

15 A. I was here -- in relation to this matter here?

16 Q. Yes. You're effectively assisting Mr Gerrard following
17 the telephone call you had with him on 8 August, aren't
18 you, Mr del Rosso?

19 A. Yes, sir, yes.

20 Q. And as part of that you are locating and retaining NTi?

21 A. Eventually, yes.

22 Q. Yes. Did you have to revert to Mr Gerrard, as the
23 source of your instructions for this work, to get
24 approval for the choice of NTi and their retention?

25 A. I'm absolutely sure that I would have, sir, yes.

1 Q. It's likely, isn't it, you'd have spoken to Mr Gerrard
2 to say, "I think NTi would be a good firm to use.
3 Can I use them? This is what they're going to cost",
4 all that sort of conversation?

5 A. That would sound logical, yes, sir.

6 Q. And it's likely, isn't it, that you'd have had that
7 conversation before you actually retained NTi?

8 A. Before I retained ...?

9 Q. NTi -- before you actually engaged them formally?

10 A. Yes, at some point, sir, yes.

11 Q. But it's likely you'd have checked with Mr Gerrard
12 before you had actually engaged NTi to perform the task
13 we're looking at here?

14 A. Yes.

15 Q. If we go to {H10/253}, please, you'll see there's an
16 email on 12 August 2016 from you to Mr Swecker, "Further
17 sites" -- can you see that?

18 A. Yes, sir.

19 Q. -- which you sent. Then at {H10/254} you can see some
20 exchanges on -- some more on the 13th. You can see that
21 there's some exchanges -- can you see?

22 A. I can.

23 Q. What happens on that day, I think, is that Mr Swecker --

24 A. Are you talking about 254?

25 Q. Yes, sorry, Mr del Rosso, I'm at 254. I'm struggling to

1 see who is talking to whom, but you're definitely --
2 it's a sea of squiggles.

3 A. Yes.

4 Q. It looks like Mr Swecker, on Saturday, August 13th, has
5 sent on -- has forwarded -- yes, has forwarded to NTi --
6 that's Rich Garcia -- some further sites which "Nick" --
7 that must be you -- "has learnt about". Does that look
8 right to you?

9 A. It does, sir, yes.

10 Q. Thank you. You can see at the top there's a request
11 that the rubric "Privileged Attorney Client
12 Communication" be added to all these communications.
13 Can you see that?

14 A. Yes. Most of these communications should be privileged.

15 Q. So work was being undertaken, wasn't it, in relation to
16 these sites, these online sites, for Mr Gerrard on
17 Friday, 12 and Saturday, 13 August?

18 A. That's what it appears to be, yes.

19 Q. It looks, doesn't it, as if the downloading operation --
20 if you go to {H10/256}, please, you see an email from
21 Mr Garcia on the 13th, which is the Saturday, to
22 Rich Garcia:

23 "Subject: Re: Nick's case."

24 And "Nick" would be you, wouldn't it, Mr del Rosso?

25 A. Yes.

1 Q. And he says:

2 "Will do Chris. We are using a double layer proxy
3 server that is anonymous ..."

4 Can you see? And then it runs on.

5 A. Yes.

6 Q. Then, at the top, Mr Swecker sent this to you on
7 Sunday the 14th for your information. Can you see that?

8 A. Yes.

9 Q. It's likely, isn't it, Mr del Rosso, that you would have
10 told Mr Gerrard by this date the state of the
11 downloading operation as it then was?

12 A. Again, I don't know that, sir, no.

13 Q. But it's likely, isn't it, that you'd have kept him
14 apprised of matters?

15 A. Not until I had some sort of -- something substantive to
16 say to him. Anyway, I don't recall this -- the
17 conversations during this period, no.

18 Q. If we go to {H10/257}, please, this is an email exchange
19 on 15 August 2016 between you and Mr Gerrard. Have you
20 looked at these emails recently, Mr del Rosso?

21 A. Yes, it appears to be my email chain or come from my
22 email anyway.

23 Q. Yes. Have you looked at a copy of these recently?

24 A. Yes, in preparation.

25 Q. In preparing for this, yes. So it's an exchange between

1 you and Mr Gerrard on 15 August, isn't it?

2 A. Yes.

3 Q. It is a Monday.

4 A. Okay.

5 Q. All right? And we've established -- you can see the
6 exchange. Mr Gerrard wrote to you first:

7 "Nick,

8 "I've had another call from Stuart who confirms
9 again that there is a website on FA. He seems to think
10 it's been generated from a UAE source. I've asked for
11 details. He said he would try and get them to me. Can
12 you undertake a search for it?"

13 And you write back on the same day:

14 "Hi Neil.

15 "Ok -- following up on our last conversation
16 regarding Stewart's findings I instructed NTi to search
17 and recover what may be on them; that's underway and I'm
18 sure they'll try to analyse where the sites came from.

19 "If Stewart can provide you the site addresses he is
20 finding we may be able to avoid duplicating efforts.

21 How does he know it was set up in the UAE?

22 "I expect we'll get initial results this week."

23 Now, you're telling Mr Gerrard this, you're saying,
24 "Following our conversation, I instructed NTi to search
25 and recover what may be on them, that's underway", it's

1 likely, isn't it, that you would have told Mr Gerrard
2 that before 15 August 2016?

3 A. That they'd been instructed?

4 Q. Yes.

5 A. It's possible. I don't recall that.

6 Q. But it's likely, isn't it, as we discussed before, that
7 before you actually retained them, you'd have told
8 Mr Gerrard that you were proposing to do that and get
9 his authority to go down that path, wouldn't you?

10 A. Again, I said I don't recall a specific conversation,
11 but I would imagine I would have got some approval for
12 it, yes.

13 Q. So he would have known that you had already instructed
14 NTi before this email of 15 August 2016, basically?

15 A. I don't recall that.

16 Q. He responds:

17 "Okay, thanks. No idea why he says it emanates from
18 the UAE. I will ask."

19 A. Yes, sir.

20 Q. Did he ever get back to you in relation to that response
21 of his, in other words --

22 A. I really don't remember -- unless it's in this email
23 chain, no.

24 Q. If you go to {H10/263}, you see -- if you keep that open
25 at the same time as {H10/257} you can see that those

1 pages have the same two initial emails on 15 August, one
2 from Mr Gerrard to you and one from you back to him --

3 A. Right.

4 Q. -- but they have different responses from Mr Gerrard.

5 The one on {H10/257} comes on 15 August and reads at the
6 top:

7 "Okay, thanks. No idea why he says it emanates from
8 the UAE. I will ask."

9 And that at {H10/263} says:

10 "Okay. Will ask him for details."

11 A. Yes.

12 Q. Can you see that?

13 A. I do, yes.

14 Q. It's puzzling, isn't it, Mr del Rosso, why Mr Gerrard
15 should send you another short response on 16 August when
16 he seems to have sent you the one he did on the 15th?

17 A. I've really no idea. It may be he just sent
18 a duplicate.

19 Q. Is it right, Mr del Rosso, that by this time you were
20 aware that the information that was being procured from
21 the internet on behalf of RAK or RAKIA had been
22 illegally obtained?

23 A. At which time? On August 15?

24 Q. Yes.

25 A. I wasn't, no. I wasn't aware of what the information

1 was on there.

2 Q. Were you perhaps turning a blind eye to the provenance
3 of that material?

4 A. No, I couldn't have been aware until NTi had downloaded
5 it.

6 Q. And is that why we see the rather strange email
7 exchanges on 15 and 16 August 2016 between you and
8 Mr Gerrard?

9 A. Well, that's your description, "strange". I don't see
10 that there's anything strange in those, no.

11 Q. But you can't give any reason for why you were otherwise
12 involved in this exercise with Mr Gerrard, can you?

13 You can't give any reason as to why you should have
14 been called up to help with this exercise?

15 A. No, sir, that's not my place to ask. I'm just going to
16 take the business, yes.

17 Q. And is it because you are prepared to -- is it because
18 what was happening here is you were assisting Mr Gerrard
19 in this download operation and you were not asking too
20 many or in fact any questions?

21 A. That isn't correct, sir. I took advice from my attorney
22 once we knew what was on the site and we discussed
23 whether this was something that we could proceed with,
24 my Lord. We didn't know what was on the site until
25 then.

1 Q. And did you ever get the further details in relation to
2 why this was thought to be a UAE source?

3 A. I think from NTi eventually, yes.

4 Q. And is there some record of that that you've got on your
5 files?

6 A. No, it's on the NTi -- it's in the NTi documentation,
7 yes.

8 Q. And you've seen that, have you?

9 A. I have, yes.

10 Q. Could I ask you, please, to go to {H10/281}? It's an
11 email from you on 1 September 2016 to Mr Swecker,
12 Mr Garcia and Ms Gray. Do you see that?

13 A. Yes, sir.

14 Q. You see what it says. Remind yourself of it. I'm sure
15 you read it recently. Can you seen that?

16 A. Mm-hmm.

17 Q. Thank you. There's a reference to, "The client's
18 'spotter' in Dubai has reported a new data dump".

19 A. Yes, sir.

20 Q. Who did you think was the client's spotter?

21 A. I believe the client's spotter was Page. That's what
22 I had been told before, yes.

23 Q. It says:

24 "I can't open the message (no good signal) to give
25 you the link -- could you search and if anything exists,

1 download. If not I'll get home tonight and will be able
2 to open the file with the supposed links."

3 Do you see that?

4 A. I do, yes.

5 Q. You're referring here to your messages, aren't you?

6 A. To my ...?

7 Q. "I can't open the message ..." -- you've received the
8 message, haven't you? That you're talking about here?

9 A. Yes, that's what it reads, yes, sir.

10 Q. What kind of message do you think you were referring to
11 there?

12 A. Really no idea, sir, no.

13 Q. And you're talking about messages that have been sent to
14 you from Mr Swecker, Mr Garcia and Ms Gray, aren't you?

15 A. Sent to me by them or I was sending a message to them.

16 Q. About websites concerning Mr Azima?

17 A. I sent a message to them, yes.

18 Q. These messages or the message you're describing, no
19 messages fitting that description have been disclosed,
20 Mr del Rosso.

21 A. I'm aware of that, sir, yes.

22 Q. Can you explain why they haven't been disclosed?

23 A. Because I've been unable to find them.

24 Q. And where have you looked?

25 A. I engaged a law firm, independent law firm, to look for

1 them. They were unable to find them as well, sir.

2 They've been through all of my data.

3 Q. Did they look at your email accounts?

4 A. They did, yes.

5 Q. And WhatsApp messages?

6 A. I don't use WhatsApp, sir, no.

7 Q. Text messages?

8 A. If they existed, yes.

9 Q. It's likely, isn't it, you'd have sent emails to NTi, as

10 we've seen you do earlier in August 2016?

11 A. Well, this is an email to NTi, yes, sir.

12 Q. Sorry?

13 A. This is an email to NTi, yes.

14 Q. Yes, so can you explain why the rest of this exchange,

15 email exchange, doesn't seem to have shown up in your

16 records?

17 A. Are you talking about the emails to NTi or the message

18 that came in from Dubai?

19 Q. The messages -- "Hi saw your messages" at the top.

20 You're saying:

21 "Hi saw your messages but could not get strong

22 enough ... signal ..."

23 What are you talking about there? What messages are

24 you talking about? This is to Swecker, Garcia, Ms Gray.

25 "Hi saw your messages ..."

1 And we haven't -- I don't think we've seen --

2 A. I don't know, sir. I don't know. You had asked me

3 about the client spotter. I thought that's what you

4 were talking about.

5 Q. So there's likely some other email communications to

6 you, these messages, which we haven't -- which seem now

7 not to be available; is that right?

8 A. That is correct, sir, yes.

9 Q. And also on that page, a bit further on down, there's

10 a reference to "I can't open the message" from the

11 "client's 'spotter'". You think that's a reference to

12 Mr Page, do you?

13 A. I thought that's what you'd asked, sir, yes.

14 Q. No, I asked who it was and I think you said you thought

15 it was Mr Page; is that right?

16 A. That's what I believed, yes.

17 Q. "I can't open the message ..."

18 What sort of message are you talking about? Email

19 message there presumably?

20 A. I wouldn't have received anything from Mr Page, no. It

21 would have been ...

22 Q. Right.

23 A. -- Dechert or Neil Gerrard -- somebody from Dechert or

24 Neil Gerrard. I wasn't dealing with Mr Page.

25 Q. I think it was your evidence that the "client's

1 'spotter'" reference was probably to Mr Page, as you saw
2 it.

3 A. Right, but, "The client's 'spotter' in Dubai has
4 reported a new data dump". He wasn't reporting it to
5 me.

6 Q. I see. And you say:

7 "I can't open the message ..."

8 A. Yes, I couldn't open the message. I don't know why it
9 says -- well, it says "no good signal", so I was
10 obviously out or I was travelling and I couldn't open
11 it.

12 Q. And that message hasn't been disclosed either,
13 Mr del Rosso. Were you aware of that?

14 A. I'm aware of it, sir, because I can't find it.

15 MR LORD: Thank you, Mr del Rosso.

16 I'm sorry, my Lord. I apologise for running over,
17 but I wanted to try to finish.

18 MR TOMLINSON: My Lord, I've no re-examination. Has
19 your Lordship any questions for this witness?

20 JUDGE LENON: No. Thank you, Mr del Rosso.

21 MR TOMLINSON: My Lord, can I hand up the documents that
22 I mentioned when Mr King gave evidence?

23 First of all, there's the -- the coloured one is the
24 whole of the WhatsApp exchange and then the two other
25 documents are the notice about document preservation.

1 Your Lordship will appreciate that in November 2016
2 there was no issue about emails and Digitalis in this
3 action, so this comes from the -- the issue is in the
4 US action. So this is the litigation hold notice from
5 Dechert in the US, not from Dechert in England.

6 My Lord, Mr King is here but I would obviously like
7 to be able to release him.

8 JUDGE LENON: Well, I'm giving Mr Lord a moment to look at
9 it to see if he wants to ask any further questions.

10 (Pause)

11 MR LORD: My Lord, does your Lordship have the litigation
12 hold policy? If your Lordship looks at the bottom of --
13 addressed to Digitalis, Mr Buchanan -- the bottom of
14 page 1 refers to "... documents reflecting or relating
15 to communications with Mr Azima on or after
16 23 July 2016, including notes regarding negotiations
17 with RAKIA's former chief executive officer during this
18 period are relevant to the litigation". That appears to
19 be a reference to Dr Massaad. I don't require this
20 gentleman to be recalled, but that is plainly
21 a reference to Dr Massaad.

22 JUDGE LENON: On that basis I formally release Mr King.

23 MR TOMLINSON: My Lord, I'm grateful.

24 (1.05 pm)

25 (The luncheon adjournment)